



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

June 6, 1991

Mr. Leonard W. Peck, Jr.
Assistant General Counsel
Texas Department of Criminal Justice
Institutional Division
P. O. Box 99
Huntsville, Texas 77342-0099

OR91-262

Dear Mr. Peck:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 12478.

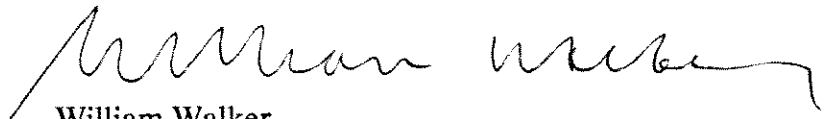
We have considered the exception you claimed, specifically, sections 3(a)(1) and 3(a)(8). A previous determination of this office, Open Records Decision No. 565 (1990), found that under federal regulations governing access to NCIC records, an individual seeking access to his NCIC criminal history records must either request such records in writing from the FBI, NCIC section, or, for NCIC records which were originally generated in another state, seek access from the appropriate law enforcement agency in that state under that state's laws. Therefore you should not release the requested NCIC information to the individual requestor here; rather, you should direct him to the FBI, NCIC section, or, for records generated in another state, to the appropriate law enforcement agency in that state.

Open Records Decision No. 565 also dealt with an individual's request for his TCIC criminal history records and found that, absent other grounds for withholding the information than the individual's privacy, section 3B of the Open Records Act would provide the individual a special right of access to his TCIC records. Your section 3(a)(1) claim regarding this information, relating to the individual's privacy interests, would not overcome the individual's special right of access here under section 3B. Nor do we find any other grounds here for denying the requestor's special right of access under section 3B. Although you raise section 3(a)(8), the law enforcement exception, you do not, we believe, make a sufficient showing that law enforcement interests require denying the individual here a special right of access to

his TCIC records. Also, in our opinion, the individual's request for the TCIC information substantially comports with the requirements of a request for a special right of access under subsection (b) of section 3B. Therefore, while you may not publicly disclose the TCIC records in response to the instant request, you must provide the requestor a special right of access under section 3B to the TCIC records pertaining to him that you have.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-262.

Yours very truly,

A handwritten signature in black ink, appearing to read 'William Walker', with a long horizontal flourish extending to the right.

William Walker
Assistant Attorney General
Opinion Committee

WW/mc

Ref.: ID# 12478

Enclosure: Open Records Decision No. 565

cc: Mr. Raymond J. Corsbie
3317 North 29th Street
Waco, Texas 76708-1804